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acta of william the conqueror**

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OLGA TIMOFEEVA

Cum saca et soca, et tol et theam:

The status of English terminology in Latin acta of William the Conqueror

Abstract

Royal writs of William the Conqueror were produced by a multilingual community of clerks whose bureaucratic routines commonly included translation between Latin and the two vernaculars (French and English). These practices encouraged the scribes to generate a professional vocabulary that was essentially identical in all three languages. One part of it consisted of traditional Anglo-Saxon legal lexis, including terminology for rights and privileges, land administration, and titles. Twenty-four such terms, extracted from the edition of William's acta by David Bates, are analysed in this study, and their borrowing and currency reconstructed against the background of a wider corpus of Anglo-Latin and Old English texts and a wider sociolinguistic context of professional post-Conquest trilingualism.

Keywords: Anglo-Latin, Old English, writs, lexical borrowing, discourse communities

1. Introduction

As new resources on the insular varieties of medieval Latin and French become available, it becomes increasingly clear that the outcome of language contact in the Old and Middle English periods was by no means limited to English replication of linguistic matter and pattern. A range of contact-induced features was also affecting

Anglo-Latin, both before and after the Norman Conquest, and Anglo-French.¹ While lexicographic evidence for English cultural loans in these varieties is immense,² the mechanisms and settings in which they were adopted remain underexplored, inviting both close studies of the sources that display contact- and translation-induced phenomena and theoretical comprehension of how these phenomena should be described. This study offers a small step in this desirable direction, by having a look at the corpus of legal documents produced during the reign of William I and

¹ William Rothwell. Lexical Borrowing in a Medieval Context, in: *Bulletin of the John Rylands University Library of Manchester* 63 (1980–81) 118–143; William Rothwell. Language and Government in Medieval England, in: *Zeitschrift für französische Sprache und Literatur* 93 (1983) 258–270; David Trotter. Language Contact and Lexicography: The Case of Anglo-Norman, in: *The Origins and Development of Emigrant Languages. Proceedings from the Second Rasmus Rask Colloquium, Odense University, November 1994*, ed. Hans F. Nielsen and Lene Schøsler, Odense 1996, 21–40; Peter Stotz. *Handbuch zur lateinischen Sprache des Mittelalters*, Band 1. München 2002, 680–684; David Trotter. Intra-textual Multilingualism and Social/Sociolinguistic Variation in Anglo-Norman, in: *Conceptualizing Multilingualism in Medieval England, c.800–c.1250*, ed. Elizabeth M. Tyler, Turnhout 2011, 357–368; Antonette diPaolo Healey. The Dictionary of Old English: The Next Generation(s), in: *From Orthography to Pedagogy: Essays in Honor of Richard L. Venezky*, ed. Tom Trabasso, John Sabatini, Dominic W. Massaro, and Robert C. Calfee, Mahwah, NJ/London 2005 289–307; Bruce R. O’Brien. Translating Technical Terms in Law-codes from Alfred to the Angevins, in: *Conceptualizing Multilingualism in Medieval England, c.800–c.1250*, ed. Elizabeth M. Tyler, Turnhout 2011, 57–76; Olga Timofeeva. Battlefield Victory: Lexical Transfer in Medieval Anglo-Latin, in: *Multilingual Discourse Production: Diachronic and Synchronic Perspectives*, ed. Svenja Kranich, Viktor Becher, Steffen Höder, and Juliane House, Amsterdam 2011, 109–132; M.T. Clanchy. *From Memory to Written Record: England 1066–1307*, 3rd edition. Chichester 2013.

² *Dictionary of Medieval Latin from British Sources*, prep. by R.E. Latham and D.R. Howlett et al. London/Chicago 1975–2013. <http://logeion.uchicago.edu/>; Anglo-Norman Dictionary online. Aberystwyth University and Swansea University. <http://www.anglo-norman.net/>.

investigating the use of English terms in Latin writs and charters in the first two decades following the Norman Conquest. My aims are twofold: to present a catalogue of such terms and to provide them with a sociolinguistic contextualisation.

1.1. Data and framework

For this study, I have chosen Latin legal documents produced during the first two decades of the Norman rule, predominantly between c.1070 and 1087. They are thus among the very first written sources that reflect the new, increasingly multilingual, situation of the late 11th century. The network of royal and monastic scribes, English and French, involved in their production, the language choices and decisions deriving from the everyday practices of this community will to a large extent define the linguistic outlook of the Domesday survey in 1086. At the same time early Norman acta are an important transition link between the pre- and post-Conquest bureaucratic traditions in England.

The corpus of documents used in this study is derived from David Bates's 1998 *Regesta Regum Anglo-Normannorum: The Acta of William I, 1066–1087*,³ which has become the standard and fullest available edition in the field (353 items), combining a solid corpus of texts with an extensive introduction and commentary. I used manual search to collect all tokens of English terms among the first 178 writs (just over one half) of Bates's edition. Consistent with the editorial decisions of this scholar, my examples are referenced by number (of the edition, e.g. <B1> for the first document in Bates), date and archive as given in the edition. I also follow Bates in his assessment of the authenticity of individual writs and include only those in my

³ *Regesta Regum Anglo-Normannorum: The Acta of William I, 1066–1087*, ed. David Bates, Oxford 1998.

analysis that are either original (which is rare) or arguably derived from authentic acts of the late eleventh century, omitting both definitely forged and spurious ones. Within this set I limit my analysis to Latin writs issued in England and/or for England-based beneficiaries, thus excluding all Norman acts (diplomas, charters and *pancartes*).⁴ This decision is based on the fact that the two bureaucratic traditions remained relatively separate after the Conquest, with English and Norman writs produced by different discourse communities with distinct insular and continental conventions. Thus contact-induced features are expected to surface mostly in insular documents.

My procedure makes 60 documents available for close study. Among these 26 contain at least one English term. The terms are checked against the word index in Bates, *Dictionary of Medieval Latin from British Sources* (DMLBS), the *Anglo-Norman Dictionary* (AND), the *Dictionary of Old English* (DOE, available for letters A to H), the *Middle English Dictionary* (MED), the *Oxford English Dictionary* (OED), the *Dictionary of Old English Web Corpus* (DOEC), and the *Electronic Sawyer*.⁵ Ante-datings are suggested where relevant. The individual words are analysed in their syntactic context, and their status in the Latin matrix text defined. Sociolinguistic reconstruction is used to offer scenarios of how and why such terms would enter and

⁴ For details see Bates (Note 3) 11–12, 22–24.

⁵ Dictionary of Old English: A to H online, ed. by Angus Cameron, Ashley Crandell Amos, Antonette diPaolo Healey et al. Toronto 2016, <http://tapor.library.utoronto.ca/doe/>; Middle English Dictionary online, ed. Frances McSparran et al. Michigan 2013. <http://quod.lib.umich.edu/m/med/>; The Oxford English Dictionary online, Oxford 2016. <http://www.oed.com>; The Dictionary of Old English Corpus in Electronic Form, ed. Antonette diPaolo Healey, with John Price Wilkin and Xin Xiang, Toronto 2009. <http://tapor.library.utoronto.ca/doecorpus/>; The Electronic Sawyer: Anglo-Saxon Charters: An Annotated List and Bibliography, ed. Peter H. Sawyer (London: Royal Historical Society, 1968), rev. Simon Keynes et al. London. <http://www.esawyer.org.uk/about/index.html>.

diffuse in Anglo-Latin (AL). In this reconstruction the notion of *discourse communities* is applied.⁶ These social units are defined by the following constitutive criteria: 1) *a communality of interest*; 2) *participatory mechanisms*; 3) *information exchange*; 4) *genre-specific discursual expectations*; 5) *a dynamic towards specialised language*; and 6) *a critical mass of expertise*.⁷ The royal clerks and their colleagues and audiences at the local-assembly level are reconstructed as belonging to one big discourse community and writs as being one of their chief genres and means of communication.⁸ Before moving on to the analysis I briefly introduce Anglo-Saxon writs and their successor genres in the Norman period.

1.2. Anglo-Saxon writs

The earliest Anglo-Saxon legal documents, commonly referred to as charters, emerge in the late seventh century. Their introduction, however, may go back to the Christian missionaries in the early 600s. Charters were typically issued in the name of the king to be witnessed by members of a local assembly. Until the later part of the ninth century monasteries drafted their own charters that were later on authenticated by the king. The Latin protocol of charters differed accordingly from one locality to another. From the late ninth century on it was becoming increasingly standardised. It is

⁶ John Swales. 1987. Approaching the Concept of Discourse Community, in: Annual Meeting of the Conference on College Composition and Communication (CCCC), 38th, Atlanta, March 19–21, 1987; <http://files.eric.ed.gov/fulltext/ED286184.pdf>; Susan Fitzmaurice. Coalitions, Networks, and Discourse Communities in Augustan England: The *Spectator* and the Early Eighteenth-century Essay, in: Eighteenth-century English, ed. Raymond Hickey, Cambridge 2010, 106–132.

⁷ Swales (Note 6) 4–6.

⁸ Olga Timofeeva. Chancery Norms before Chancery English: Templates in Royal Writs from Alfred the Great to William the Conqueror, in: Journal of Historical Pragmatics (fc 2018).

possible to explain this by the existence of a kind of centralised royal writing office or a coordinated community of court-employed scribes.⁹

Starting with Æthelred II the Unready (978–1016) and especially during the reign of Edward the Confessor (1042–1066), vernacular writs emerge as a new text type. Their chief function is to record changes in the ownership of land and grants of privileges over land to a religious house or individual, and to inform shire and hundred courts about these changes.¹⁰ Most of the terminology surveyed in this study falls accordingly into two major categories: words for types of land and words for privileges. These are contained in the main announcement of the writ, but the prototypical Old English document of this sort also includes a salutation, prohibition clause, statement of the religious motive, sanction / penal clause, valediction, and witness list.¹¹ The great majority of writs are royal writs, with private documents surviving only sporadically. Those produced in the name of the king would often be written and sealed by royal clerks to be taken by a special messenger to the shire court and read out to its members.¹²

⁹ Florence E. Harmer. *Anglo-Saxon Writs*. Manchester 1952; Richard Sharpe. *The Use of Writs in the Eleventh Century*, in: *Anglo-Saxon England* 32 (2003) 247–291; Simon Keynes. *Charters and Writs*, in: *The Wiley Blackwell Encyclopedia of Anglo-Saxon England*, 2nd edition, ed. Michael Lapidge, John Blair, Simon Keynes, and Donald Scragg, Chichester 2014, 102–103; cf. Levi Roach. *Kingship and Consent in Anglo-Saxon England, 871–978: Assemblies and the State in the Early Middle Ages*. Cambridge 2013, 78–103.

¹⁰ Keynes (Note 9) 102.

¹¹ Harmer (Note 9) 61–73.

¹² Simon Keynes. *Chancery, Royal*, in: *The Wiley Blackwell Encyclopedia of Anglo-Saxon England*, 2nd edition, ed. Michael Lapidge, John Blair, Simon Keynes, and Donald Scragg, Chichester 2014, 97–98.

After about 1070, royal bureaucracy switched into Latin;¹³ later on many Old English writs were translated and entered into cartularies (books containing copies of charters and other records of a religious house). These translations were made by monastic scribes, and their Latin as well as its proficiency differed substantially across the country.¹⁴ The writs that still came from the royal quarters had a unified protocol though and changed little throughout the Norman rule and until Henry II (1154–1189).¹⁵ They illustrate that some of the discourse practices within the community of royal scribes were preserved across the 1066 divide and the shift into Latin. Many of the English scribes probably remained in office for some time after the Conquest. Their chancery-like community was so developed by the 1070s, that it may have influenced the introduction of similar arrangements in Normandy, although many Norman charters continued to be produced in the scriptoria of the beneficiaries.¹⁶ With the two traditions being available to William to keep record and issue acta in England and on the Continent, their conventions and practices remained relatively separate. The Norman tradition maintained its distinct genres and types of legal transactions and the English kept its own.¹⁷

The major change that affected the insular discourse community, however, was the shift of the royal bureaucracy into Latin some time in the early 1070s, with the new archbishop of Canterbury, Lanfranc (1070–1089), probably taking an instrumental role in this development.¹⁸ At least three reasons might have triggered

¹³ Clanchy (Note 1) 24–25, 35.

¹⁴ Timofeeva (Note 8).

¹⁵ Sharpe (Note 9).

¹⁶ Bates (Note 3) 11–12, 22–24.

¹⁷ Bates (Note 3) 11–12, 44–47.

¹⁸ Clanchy (Note 1) 35–36.

the switch: first of all, similar records had been kept in Latin in Normandy (and elsewhere in Western Europe) and one language of bookkeeping might have appeared preferable for administration;¹⁹ second, royal-office scribes might have been partly replaced by Romance speakers who were not able/did not feel the need to produce writs in English; third, the audience at the local level (secular and religious leaders) were being replaced by Romance speakers²⁰ who were not able/did not feel the need to preserve writs in English. It was in this multi-faceted setting that English terminology was becoming increasingly common in the Latin acta of the first Norman king. What kind of language competence would have facilitated their adoption and what kind of social actors would have introduced and spread them and why? The analysis below addresses these issues.

2. Analysis

As mentioned briefly in 1.1, 26 documents among the 60 selected for close study contain some English material (proper names and toponyms being excluded), ranging from one word or phrase in shorter writs to 66 tokens in one detailed plea from the Abbey of St Ethelreda, Ely (B117, which is investigated in detail below). I have divided these English terms into three lexical categories, with headwords listed alphabetically in accordance with the DMLBS respective entries and definitions. By far the biggest category is terminology related to rights and privileges of religious houses, typically franchises to collect payments, taxes and fines (16 types); followed

¹⁹ Timofeeva (Note 8).

²⁰ Bates (Note 3) 49–52; Stephen Baxter. *The Making of Domesday Book and the Languages of Lordship*, in: *Conceptualizing Multilingualism in Medieval England, c.800–c.1250*, ed. Elizabeth M. Tyler, Turnhout 2011, 271–308.

by units of land and administrative division (6 types) and titles (2 types). I survey each group in turn, commenting on the formal aspects of the terms and attestations in the dictionaries (DMLBS, DOE, MED, OED and AND) and corpora (the *Electronic Sawyer* and DOEC). In the analysis below I use abbreviation AL for Anglo-Latin and abbreviation OE for Old English.

2.1. A catalogue of English terms in Latin acta of William I

1) Rights and privileges:

1. *fyrðwita* [< OE *fyrðwite* n] <fine for non-performance of military service; revenue derived from such fines>; 1 occurrence, attested form in Bates *ferdwite*. First attestations in DMLBS date to late 11th century; 7 occurrences in the DOEC.
2. *fihtwita* [< OE *fiht(e)wite* n] <fine for fighting; revenue derived from such fines>; 1 occurrence, attested form in Bates *fithwite*. First attestations in DMLBS date to mid 12th century, the word can thus be antedated; 8 occurrences in the DOEC. The term is found next to *ferdwite* in B122 in a list of privileges (Ely, 1075 x 1087).
3. *flemenfremtha* [< OE *flymena fyrmþ* f] <(right to collect) fine for harbouring fugitives>; 1 occurrence, attested form in Bates *flymenafyrmthe*; first attestations in DMLBS date to the late 12th century, thus an antedating is again possible; the term has about 30 occurrences in DOEC, predominantly in

writs of Edward the Confessor. Interestingly the form is mostly unverbated in Anglo-Latin sources (DMLBS and Bates), but two-word in Old English texts.

4. *forestallum*, *-is*; [< OE *foresteall* m] <(right to collect) fine for assault or obstruction>; 1 occurrence, attested form in Bates *foresteal*; cf. *forstal* AND. The term is found next to *flymenafyrmthe* in B69 in a list of privileges (Canterbury, cathedral, 1072/3). Although it is weakly integrated morphologically in this early writ, slightly later examples from Domesday Book²¹ in DMLBS suggest that regularly declined forms were also current. There are about 50 occurrences in the DOEC, mostly in charters.
5. *gabulum*, *-us*, *-a* [< OE *gafol* n] <rent, gavel (for land or similar)>; 1 occurrence, attested form in Bates *gabli*; cf. *gable* AND. DMLBS records the first attestation in 1070,²² but a much earlier borrowing is suggested by the *Electronic Sawyer* – S1624 dates to 835. Declension typically follows neuter, as in Old English. The term is fairly frequent in Old English: DOE entry is based on c.200 occurrences, with sense <rent> being limited to legal documents.
6. *geldum*, *-a*, *-us* [< OE *gyld*, *gi(e)ld* n] <payment; tax payable to the King>; 3 occurrences, attested forms in Bates *geldis*, *geldo*; cf. *gelde*¹ AND. The loan appears to be an established one, with the first recorded use in DMLBS dating to mid tenth century and declined forms being of the regular type, normally in

²¹ Cf. Stotz (Note 1) 683.

²² Cf. discussion in Stotz (Note 1) 684.

the neuter. DOE records 100 occurrences, many of these coming from chronicles and legislation.

7. *grithbricha* [< OE *griþbrice* m] <(right to collect) fine for breach of peace>; 2 occurrences, attested form in Bates *grithbrece*, *grithbrice*. Both occurrences are in the lists of privileges. The only example in DMLBS dates to 1185; antedating needed. The Old English data are c.50 occurrences, exclusively in legal texts (DOE).
8. *hamfara* [< OE *hamfaru* f] <(right to collect) fine for breach of peace in house>; 1 occurrence, attested form in Bates *haimfare*; cf. *hemfare* AND. The term is not attested in Latin before 1066²³ and has no record in either DOEC or the *Electronic Sawyer*. Although DOE has an entry on *hamfaru*, its earliest attestations are from the 13th-century copies of legislation composed after the Conquest. See section 2.2.1 below.
9. *hamsocna* [< OE *hamsocn* f] <(right to collect) *ham-soken*, fine for assault of a person in his own home, or house-breaking>; 1 occurrence, attested form in Bates *hamsocna*; cf. *hamsokne* AND. DMLBS earliest records are c.1200. DOEC has 46 occurrences, cf. DOE (s.v. *hamsocn*).
10. *infangenetheofa* [< OE *infangeneþeof* m] <(right to profit from) jurisdiction over a thief captured on one's land>; 3 occurrences, forms attested in Bates *infanganetheof*, *infangethef*, *infangenneþeof*; cf. *infangenthef* AND. The first

²³ Cf. Stotz (Note 1) 683.

attestation in DMLBS can be antedated by about a century. DOEC records 63 occurrences: 42 unverbated and 21 two-word, predominantly in lists of privileges.

11. *saca* [< OE *sacu* f] <right to conduct a court within a special jurisdiction, also the right to revenues from such a court; sake>; 9 occurrences, forms attested in Bates *saca*, *sacam*, *saccham*, *sace*; cf. *sac*¹ AND. Recorded forms in DMLBS, frequently in the fem.acc.sg., are contemporary with my data. Vernacular occurrences are c.250, with sense <revenue from court> being mostly restricted to legal documents.

12. *sceattum*, *scottum*, *scotum* [< OE *sceatt* m] <(exemption from) tax payable to king>; 1 occurrence, form attested in Bates *scottis*; cf. *escot* AND; DMLBS earliest attestations of sense <tax> are from Domesday Book. The Old English etymon has a broader scope <money, treasure>, including <tax, revenues>. There are some 300 occurrences in total in DOEC.

13. *soca*, *socna* [< OE *socn* f] <a lord's right to conduct a court within a special jurisdiction; soke>; 41 occurrences (31 in B117), forms attested in Bates *soc*, *soca*, *socam*, *soccham*, *socna*, *socne*; cf. *soke*¹ AND. DMLBS first attestation date to the time of Domesday Book. Declined forms take feminine gender.²⁴ Again, the Old English etymon is much broader semantically – <seeking>, also <seeking protection and justice>, c.200 occurrences in total.

²⁴ Discussed in Stotz (Note 1) 682.

14. *teamum* [< OE *team* m] <right of jurisdiction in a suit of *team* (originally for the recovery of goods alleged to have been stolen) and to fees or similar accruing from it>; 3 occurrences, forms attested in Bates *team*, *theam*; cf. *tem*¹ AND. The occurrences in William I's acta predate the sole example in DMLBS by about a century. DOEC records some 120 occurrences in the vernacular.

15. *tollum*, ~a [< OE *toll* n/m; cf. et. *tolneum*, CL *teloneum*] <payment exacted as impost, toll; duty to pay toll; right to exact toll>; 3 occurrences, forms attested in Bates *thol*, *toll*; cf. *tol* AND. The same antedating in Anglo-Latin is needed as for *teamum*, with which *tollum* also shares Old English frequencies, c.120, as the two typically collocate.

16. *wer(e)gildum* [< OE *wer(e)gild* n] <price set upon man (according to rank) to be paid as compensation in case of homicide or injury, wergild>; 1 occurrence, form attested in Bates *wergeldum*. This occurrence is about 50 years earlier than the first attestation in DMLBS. DOEC records 33 occurrences in Old English.

2) Units of land and administrative division:

1. *burgus*, -um, -a [< OE *burh* f/n/m] <fortified town>; 6 occurrences, forms attested in Bates *burgis*, *burgo*, *burgum*; cf. *burg* AND. The DOE records c.2,100 occurrences. The term is used widely in Anglo-Latin starting with William I's acta and Domesday Book (DMLBS). Although *burgus* is also

attested in medieval Latin more generally,²⁵ I suggest that first-language or translation transfer effect is at least an additional factor here.

2. *denna* [< OE *denn* n] <den; woodland pasture>; 2 occurrences, forms attested in Bates *dennas*. DMLBS earliest examples are from Domesday Book. DOE refers to c.40 occurrences, the sense <pasture> features mostly in charters.
3. *hida* [< OE *hīd* f] <hide, unit of arable land>; 26 occurrences (21 in B117), forms attested in Bates *hida*, *hidam*, *hidas*; cf. *hide*¹ AND. DMLBS first attestations are contemporary with my data, the term has a wide currency in Anglo-Latin, the forms typically follow the first declension and retain feminine gender.²⁶ DOEC records c.1,000 occurrences.
4. *hundredum*, *-us*, *-a* [< OE *hundred* n] <hundred, territorial division of shire; hundred-court>; 7 occurrences, forms attested in Bates *hundred*, *hundredis*, *hundret*, *hundrez*; cf. *hundred* AND. The earliest evidence for this term in Anglo-Latin is from 964. The forms tend to take the second declension neuter inflections (DMLBS), which, however, is not immediately obvious in my data.²⁷ DOEC total record is c.300 occurrences; of these about a third are in legal documents, where sense <division of shire; court> is most likely to occur.

²⁵ For example LLT-A records 221 occurrences in post-classical texts. *Brepolis Library of Latin Texts* – Series A. Brepolis Databases. Brepols. <http://clt.brepolis.net/llta/Default.aspx>.

²⁶ Discussed in Stotz (Note 1) 681.

²⁷ Stotz (Note 1) 682.

5. *scira*, *-us*, *-um* [< OE *scir* f] <shire>; 3 occurrences, forms attested in Bates *schires*, *scyras*. DMLBS first attestations are from Domesday Book. The term has a wide currency, inflected mostly in the feminine.²⁸ The Old English record is c.270 occurrences (DOEC).
6. *thegnlanda* [< OE *þegn* + *land* n] <thegn-land>; 2 occurrences, forms attested in Bates *theinlandes*, *theinlandis*. DMLBS record is minimal, with earliest attestations from Domesday Book. Similarly, DOEC features only 1 occurrence in Old English.

3) Titles:

1. *socamannus* [< OE *soca* + *man* m] <sokeman, free tenant who holds land in socage and comes under the jurisdiction of a landlord>; 13 occurrences (13 in B117), forms attested in Bates *socaman*, *socamans*; cf. *sokeman* AND. First attestations in DMLBS are contemporary with my data. DOEC records only one attestation in Old English: plural *socne men* in S1129.
2. *thegnus* [< OE *þegn* m] <thegn, thane, lord>; 2(3?) forms attested in Bates *tarcinis* (for *tannis*?), *taunis*, *thennis*; cf. *thein* AND. DMLBS earliest recorded forms are from the late 11th century. DOEC features c.1,600 occurrences.

2.2. Discussion of English terms in Latin acta of William I

²⁸ Stotz (Note 1) 682.

2.2.1. Anglo-Latin data as evidence for low-frequency Old English lexis

One of the interesting results revealed by the survey in 2.1 is that Anglo-Latin may contain English lexemes that are unknown or extremely rare in the surviving record of Old English. Such is the case of *hamfara* <(right to collect) fine for house-breaking>, which surfaces in William's Latin acta but is not recorded in English until the early 15th century, and even then in glosses to Latin legal texts. According to MED (s.v. *ham-fare*), the term is a loan-translation from Old Norse and has parallels in Old Icelandic *heim-ferð*, *heim-för*. In the entire collection of acta in Bates, it occurs only in B69 from Christ Church, Canterbury (1072 x 1073), the <fine for house-breaking> being referred to as *hamsocna* in all other documents.²⁹ The plea of B69 survives in two versions and seven manuscripts. Those associated with version (I) record the form *haimfare*, whose first element still reflects the phonology of the Scandinavian etymon, and so do the early attestations in DMLBS.

Two other terms – *socamannus* <sokeman> and *thegnlanda* <thegn-land> – occur only once each in the entire DOEC³⁰ but have numerous attestations in Anglo-Latin of the late 11th century, both in acta of William and in Domesday Book. MED derives *soke-man* from AL *socamannus* (formed of AL *soca* and OE *man*) and Anglo-Norman *sokeman*, while giving OE *socn* as the source of AL *soca*; a similar etymology is suggested by OED (s.vv. *soc* n¹, *soke* n¹ and *soken*). I return to this etymology in 2.2.3 below. OED first attestation of *þegnland* is attributed to 1100 (s.v. *thegn*), while MED has no record of this lexeme.

²⁹ Cf. Harmer (Note 9) 167.

³⁰ The number of OE attestations should be corrected to two: *Textus Roffensis* (f.175r) from c.1120 contains a copy of a bilingual writ by William I to bishop Herfast of Elmham (B226, Rochester, 1077 x 1082/3), in which *sochemanis* in the Latin portion of the document corresponds to *socnmen* the OE portion.

2.2.2. Terminology in lists of franchises

Lists of rights and privileges contain most of the technical vocabulary discussed in this study. As has been observed on a number of occasions, both these terms and the lists containing them are stable already in the Old English period.³¹ They typically consist of core terms that are common to the majority of writs and a few more terms that are slightly less common and vary from one document to another. Very often both types appear in coordinated noun phrases bound by rhythm, alliteration and/or rhyme, e.g. *sac and socn*, *toll and team*, *fithwite and fyrdwite*. Their sequence, although showing some variation, is also quite stable both before and after 1066. This stability can be explained by the mnemonic practices in the tradition of oral royal notices that preceded writs³² and the practices of writ renewal by which portions of old documents were copied into new ones, while changing the names of benefactors and witnesses.³³ From the 1070s almost identical lists of franchises appear in Latin writs. Among the terms surveyed above, ten occur exclusively in such lists: *fyrdwita*, *fithwita*, *flemenfremtha*, *forestallum*, *grithbricha*, *hamfara*, *hamsocna*, *infangenetheofa*, *teamum*, and *tollum*. Example 1 illustrates a typical sequence.

- (1) *Pręcipio ut abbatia de HELI habeat omnes consuetudines suas, scilicet saccham et soccham, toll et team, et infangenetheof, hamsocna et grithbrice, fithwite et ferdwite, infra burgum et extra* (B122; Ely, 1075 x 1087)

³¹ Harmer (Note 9); Sharpe (Note 9); O'Brien (Note 1).

³² O'Brien (Note 1) 60.

³³ Sharpe (Note 9) 283–287.

⟨I [king William] order that the abbey of Ely is to have all its customs, namely
sake and soke, toll and team, and infangenetheof, hamsoken and grithbrich,
fihtwite and fyrdwite, within borough and without⟩

Among all the franchises enumerated in this writ only *saccham et soccham* take Latin inflections in the acc.sg. The rest seem to be carried over wholesale from an earlier Old English writ, perhaps similar to S1100 of Edward the Confessor, ex. 2.

(2) & ic kype eow þæt ic habbe geunnen Wlfrice þæt abbodrice in Hely on eallan
 þingan binnan burgan & butan, toll & team & infangenþeof, fyhtwite &
 fyrdwite, hamsocne & grypbryce (S1100; Ely, c.1045)

⟨and I inform you that I have given Wulfric the abbey of Ely with all things
within boroughs and without, toll and team, infangenetheof, fihtwite and
fyrdwite, hamsoken and grithbrich⟩

The formulaic *toll et team, et infanganetheof, hamsocna et grithbrice, fithwite et ferdwite* are weakly integrated into the matrix text retaining their Old English inflections (acc.sg.). They also collocate with another formula *infra burgum et extra*, modelled closely upon OE *binnan burgan & butan*, which, although properly inflected, features in many other Latin writs in exactly the same form.³⁴ In this context the franchises in B122 from *toll* to *ferdwite* seem to fall within the category of code-

³⁴ Cf. also the Latin version of this writ, although «avowedly of later date» (Harmer (Note 9) 224–225):
*Notum sit uobis quod donauit Wlfrico abbatiam de Ely cum omnibus rebus ad eam pertinentibus infra
burgum & extra, toll & team & infanganþeof, fihtwite & ferdwite, hamsocne & griðbrice...*

switches;³⁵ a conclusion that may, however, need some revisiting if viewed against the background of the distributions of these terms in Old English.

Accordingly, my last observation in this section is of a statistical kind. A striking feature of the terms for franchises in Old English is the restricted context in which they occur: mostly in charters, writs and legislation and, within those, mostly in lists, with their attestations in the DOEC being limited to between 7 (*fyrðwite*) and 63 (*infangeneþeof*) occurrences. In the Middle English period, most of these terms are preserved in Anglo-Latin and Anglo-Norman legal texts, often with Latin and French glosses. When they re-emerge in English it is in works that comment on old laws and gloss them in contemporary terms. Although a few survive into the Early Modern and Modern periods, their use is purely antiquated.³⁶ Two notable exceptions from this tendency are *team* and *toll* that are much broader semantically than the other eight, enjoying a circulation of about 120 occurrences each in the entire DOEC. What emerges from this is a kind of correlation between bounded context and relatively low frequencies of franchise terms in Old English data on the one hand and their almost unaltered shape in Anglo-Latin data on the other. This correlation is in sharp contrast with the terminology discussed below, which has wide circulation in Old English and receives proper gender, case and number marking when borrowed into Latin.

³⁵ Schendl, Herbert. 'Hec sunt prata to wassingwellan': Aspects of Code-switching in Old English Charters, in *VIEWS* 13(2) (2004) 52–68 (here 55–56).

³⁶ For example, *fyrðwite* lingers in Latin and French glosses until c.1350 and then surfaces again in 17th-century dictionaries (MED, s.v. *ferd-wite*; OED, s.v. *ferd*); similarly, *griþbrice* features in glosses, legal surveys and dictionaries until 1662 to re-emerge as an antiquated term in historical works in 1845; its only 'normal' occurrence is in *The Owl and the Nightingale* in c.1250 (MED, s.v. *grith-briche*; OED, s.v. *grithbreach*).

Exactly this kind of contrast can be observed in B122 (ex. 1) in which *saccham*, *soccham* and *burgum* are declined, while other franchise terms are not. Could this mean then that *saccham et soccham* are loanwords, but *toll et team* code-switches? While morphological integration within a matrix text is a useful criterion to distinguish between the two,³⁷ it should not be applied too hastily here. In order to be transferred from one language into another grammatical categories such as declension or gender have to be transparent and analysable. But the fossilised sequences that we are dealing with here give their users too few cues to this information, rendering gender assignment in the target language extremely difficult. Even analogy does not seem to work among this restricted set of terms. For example, although *soccham* is given acc.sg.fem. inflection, the compound *ham-socna*, which is derived from it, appears to be indeclinable; possibly it is analysed as indeclinable already in Old English. Given that these fossilised sequences become the norm in scores of Latin documents (authentic and forged) from the time of William I on, it seems impossible to accept that generations of scribes continue to code-switch in every new writ. Rather they perceive franchise terms to be part of their professional discourse and use them in the same form in English, Latin or French indiscriminately.³⁸ In their variety of Anglo-Latin then these terms are established loans, even though their morphology seems to say otherwise.

2.2.3. Terminology in broader contexts

³⁷ For discussion see, e.g., Yaron Mantras. *Language Contact*. Cambridge 2009, 106–114.

³⁸ Cf. Laura Wright. *The Contact Origins of Standard English*, in: *English as a Contact Language*, ed. Daniel Schreier and Marianne Hundt, Cambridge 2013, 58–74 (here 59–63), and earlier publications.

To take up the frequency argument, properly declined borrowed terminology correlates with broader contexts and higher numerical values in Old English: *burh* has c.2,100 occurrences, *gafol* c.200, *gyld* c.100, *hid* c.1,000, *hundred* c.300, *sacu* c.250, *sceatt* c.300, *scir* c.270, *socn* c.200, and *þegn* c.1,600. The figures for *denn* (c.40) and *wergild* (33) are somewhat lower. All of these terms feature not only in writs, but also in legal texts more generally, in chronicles, homilies, translations or poetry; in other words they are living words with analysable morphological structure. Both their frequencies and analysability have a bearing on how they are integrated into Anglo-Latin. For example, we have seen that in lists of rights the only declined franchise terms are *saca* (< OE *sacu*) and *soca* (< OE *socn*). Both of them are feminine in Old English, and both are assigned to the 1st declension, feminine in Anglo-Latin. Interestingly, the suffix *-n* in Old English etymon *socn* is often analysed as not being part of the stem and is dropped in the process of borrowing into Latin; although analogy with *saca* may also play a role.³⁹ The same kind of analysis seems to affect Anglo-Latin forms of the compound *socamann(us)*, whose first element rarely contains *-n*. To illustrate the use of this living vocabulary I use document B117 from Ely, abbey of St Ethelreda, dated to 1071 x 1075.

Although standardised writs make up the core of David Bates's collection, some of the acta also represent other genres. B117 is a record of a plea by the abbey of Ely heard by the shire court of earl Waltheof (1050–1076), in Cambridgeshire, and attempting to recover the lands of the abbey that had been lost in the aftermath of 1066. Appropriately, the major portion of the plea consists of lists of the estates and property that Ely hoped to regain. It is in these lists that English technical vocabulary

³⁹ The variation between OE *socn*- and AL *soca*- and *socna*- forms still goes on in antiquated usage, see OED (s.vv. *soc* n¹, *soke* n¹ and *soken*).

is especially frequent. B117 contains 21 occurrences of *hida*, 3 occurrences of *hundredum*, 31 occurrences of *soca*, and 13 occurrences of *socamannus*. Among these *hida* and *soca* are fully integrated into the target language, appearing in appropriate accusative and ablative forms exx. 3 and 5.

- (3) *In altera Suuafham tenet isdem H(ugo) unam **hidam** de soca.*

⟨In the other Swaffham this Hugh [de Bolbec] holds one hide of soke.⟩

The morphological integration of *hundredum* depends on its semantics. It has an indeclinable form when used next to a placename, as part of the administrative unit (ex. 4), but a grammatical Latin form when used as a measure (ex. 5).

- (4) *In Karleforda **hundred** tenet isdem R(otbertus) vii **socamans**.*

⟨In Carlford Hundred this Robert [Blancard] holds seven sokemen.⟩

The status of *socamannus* in this particular text is peculiar. The only two forms that occur in B117 are *socaman* for sg. (ex. 5) and *socamans* for pl. (ex. 4).

- (5) *In eadem villa tenet predictus Seri i **socaman**. De soca que est in v **hundredis** et dimidia Rodulfus comes ac Rogerus vicecomes ... possident **socam***

⟨In the same vill this Serie [d'Auberville] holds one sokeman. Of the soke that is in the five and a half hundreds Earl Ralph and Sheriff Roger have the soke⟩

All the contexts in which they are used require accusative: sg. *socamannum* and pl. *socamannos*. The corresponding Old English forms are respectively *socaman(n)* and

socamen(n). Thus ex. 5 is grammatical in Old English but not in Latin, and ex. 4 is ungrammatical in both languages. Moreover, on 3 occasions the scribe employs *homines de soca* <men of soke> instead of his more frequent *socamans*, both terms being seemingly interchangeable. These facts suggest that the scribe is translating an Old English term which has not yet received an established equivalent and declension pattern in Anglo-Latin and/or that he is influenced by French (cf. AND s.v. *sokeman*). This interference could have come from the first language of the scribe who produced the plea, from the first language of the interpreter who was involved in the hearing or from some French document that was used as a draft for the Latin plea. The availability of *homines de soca* points in the same direction: the phrase *home de X* is well represented among Anglo-Norman occupational terms (*home d'armes* <soldier>, *home de cort / lei* <lawyer>, *home de mer* <seaman>, *home de mester / religion* <religious man, monk>, *home de la terre* <inhabitant>, etc. (AND s.v. *home*)). Given this evidence and the early date of B117, non-English derivation of *sokeman* (in either Anglo-Latin or Anglo-Norman) seems improbable. With this class of tenants being characteristic of the North-East and East Anglia,⁴⁰ the lack of Old English attestations of the term can be accounted for by the paucity of East Anglian texts in the surviving record.

It is obvious that close analysis of such texts as B117 can greatly enrich our understanding of the status and function of English terminology in Anglo-Latin. My findings must, however, remain tentative, as this type of documents is rather

⁴⁰ Frederic William Maitland. *Domesday Book and Beyond: Three Essays in the Early History of England*, with foreword by J. C. Holt. Cambridge 1987[1897], 23, 66–67; H.C Darby. *Domesday England. The Domesday Geography of England*. Cambridge 1977, 65.

exceptional, as few of the early Norman insular acta go beyond the constraints of traditional writs.

2.2.3. Necessity criterion: direct loans vs. cultural equivalents

Although most of the terms discussed here are culture-specific items whose use in Anglo-Latin may have been triggered by lexical gaps or insufficient equivalence between English and Latin lexemes, not all of them fit this pattern. For example while *saca* and *soca* have no direct equivalents in Latin, *hida* can be rendered by *casata* ‘measure of land (appurtenant to household)’ or *mansa*, *mansura* ‘measure of land’, *hundred* by *centuria(ta)* ‘division of land’, *scira* by *comitatus* ‘county, earldom’ and *provincia* ‘province’, etc.⁴¹

A seemingly clear case of cultural equivalence is Latin *virga* or *virgata* for OE *gyrd*.⁴² The three lexemes share both the basic meaning ‘twig, rod’ and the metonymical extension ‘unit of land’. Twigs of certain length were used to measure fields,⁴³ hence ‘twig, rood’ > ‘the length of a twig’ > ‘unit of measure’ > ‘unit of land’. The equivalence between *gyrd* and *virga* is established already in Old English, see ex. 6 (a bilingual charter of Æthelwine the Black to St Albans).

- (6) OE: *ƿæt synd fif **hidan** æt Grenebeorge & .iii. **hida** & an **gyrd** æt Reodburne & sixte hea<l>f **hida** æt Langeleage & feorðe healfe **hida** æt ƿwangtune.*

⁴¹ DMLBS; Maitland (Note 40) 8; O’Brien (Note 1) 67–70.

⁴² Cf. AND, s.v. *virge*. DOE records c.400 occurrences of *gyrd* (f), sense ‘measure’ being limited to legal and historical texts, in which it is often difficult to distinguish from *geard* (m) ‘enclosure’.

⁴³ Maitland (Note 40) 384–385.

Latin: *id est .xxi. mansas cum una uirga, in quattuor locis ubi nominamus æt Grenebeorge .v. hidas, æt Reodbune .vii. et .i. uirgam, æt Langalege .v. hidas et dimidiam, æt Pwangtune .iii. hidas et dimidiam* (S1228; St Albans, 1042 x 1049)

⟨OE: That are 5 hides at Granborough and 7 hides and one yard at Redbourn and 5 and a half hides at Langley and 3 and a half hides at Fawn Wood

Latin: That is 21 *mansas* and one *virga* in four places, namely: at

Granborough 5 hides, at Redbourn 7 (hides) and one *virga*, at Langley 5 and a half hides, at Fawn Wood 3 and a half hides⟩

uirga stands for *gyrd* in both the summary of the granted estates and the description of the size of Redbourn estate. *gyrd* has no attestations in DMLBS, while *virga* is attested both before and after 1066. *virgata* (from Continental Latin and French) emerges in Anglo-Latin only after the Conquest. The second highlighted term in ex. 6, *hid* is rendered by *hida* in all instances except the summary, where *mansa* is used instead. According to DMLBS, *mansa* ⟨measure of land, hide⟩ is used as an equivalent for *hid* from the late eighth century, but is generally less frequent than *hida*.

A similar case is *comitatus*. In classical Latin this lexeme means ⟨retinue, company⟩. Already in Continental Latin there is a derived sense ⟨dignity unit⟩ > ⟨territorial unit; county⟩. In Anglo-Latin we get a further extension ⟨county, earldom⟩ > ⟨shire⟩ > ⟨shire court⟩ (DMLBS s.v.). *comitatus* can refer to continental counties and Anglo-Saxon shires both before and after 1066; ⟨shire-court⟩ sense, however, is not attested until Domesday Book. *scira* receives wide currency only in the 1080s (DMLBS). The overlap between OE *scir* and Latin *comitatus* must have been close

enough to make the latter the preferred term, for *comitatus* (with 16 occurrences) is much more frequent in my data than *scira* (3 occurrences).

Sometimes the decision to borrow rather than use a cultural equivalent or vice versa may look arbitrary. Why *hida* is preferred to *mansa*, but *comitatus* to *scira*? I hesitate to offer an explanation before thorough corpus studies of such terms in Anglo-Latin, continental Latin, Anglo-Norman and Old French are available. In general though, direct loans prevail both in acta of William and in DMLBS.⁴⁴ Although lexical equivalents were seemingly available for OE *hundred* <hundred> > <division of shire> > <hundred-court>, I have not come across *centum* or its derivatives (according to the DMLBS, *centenarius* 4, *centenus* 5, *centuria* 2, *centuriata*) being used as administrative units in writs. Instead *hundred* is used in both Anglo-Latin (also before 1066) and Anglo-Norman, cf. B124 in ex. 7 (another document from Ely, in which French interferes with plural forms of English loans, see *hundrez*).

(7) *Facite Simeone(m) abbatem habere socam et sacam suam ... videlicet de quinque **hundrez** de Suthfulch et ab omnibus viris qui terras tenent in illis **hundrez**.* (B124; Ely, 1081 x 1087)

<Let abbot Simeon have his (rights of) soke and sake ... namely of five hundreds in Suffolk and from all the men who hold lands in those hundreds.>

⁴⁴ Cf. Stotz (Note 1) 680. Deviations from this tendency and non-canonical lexical equivalents should be viewed with suspicion, for they often occur in forged documents; e.g. *cassatas* in B183 (London, St Paul's, cathedral and see) instead of *hidas*, or *provincie* in B14(ii) (Battle, abbey of St Martin) instead of *scirae* or *comitatus*.

OE *toll* does not only have a straightforward Latin equivalent *teloneum* <toll, tax, duty>, it is etymologically derived from it (DMLBS: Late Latin *tolonium* > OE *toll*). The English-based *toll(um)*, however, is generally preferred in the alliterative formula *toll et team* <toll and team> (< OE *toll and team*; 3 occurrences), while *teloneum* is used on two occasions, also in a formulaic phrase *theloneo et consuetudine* <(free of) toll and custom>, cf. exx. 8 and 9.

- (8) *Sciatis me concessisse abbacie de Abbottesburie terram suam ... cum saca et socna, et **thol** et theam, et infangethef* (B2; Abbotsbury, 1066 x 1078)

<Know ye that I have granted the abbey of Abbotsbury its land ... with sake and soke, and toll and team, and infangenetheof>

- (9) *omnia que ministri monachorum Abbandonię ement ad victum monachorum ... sint quieta ab omni **theloneo** et consuetudine* (B6; Abingdon, 1071 x 1083)

<everything that the officers of the monks of Abingdon buy for the monks' food ... shall be free of all toll and custom.>

A similar pattern can be observed for such Latinised French terms as *baro* <baron> or *vicecomes* <vicomte>. Even though close enough equivalents are available in Latin, direct borrowing is generally preferred to semantic adjustments, however minimal.⁴⁵ This is true even about verbs, e.g. *dissaisio* <to disseise, dispossess> and *resaisio* <to resume possession of, recover> modelled on French *dessaisir* and *resaisir* are commonly used instead of their Latin counterparts *detrudo* and *recipio* or *redimo*.

⁴⁵ Maitland (Note 40) 8; Rothwell (Language and Government, Note 1) 261–262; cf. Stotz (Note 1) 680.

When terminological equivalence was a concern in medieval translations (as often seems to be the case in pre-Conquest documents), it could certainly be achieved, and English barbarisms avoided.⁴⁶ But the authenticity of their terminology was the one motivation chancery clerks probably lacked. Their approach was functional and pragmatic: they had to generate technical vocabulary that would have been understood in exactly the same way by the beneficiaries who commissioned writs, their own clerks who drafted them, the royal clerks who produced fine copies, the kings who authenticated them, the social leaders who witnessed transactions, and the members of local-court communities who were present at the official announcements of writs. Considering that all of these procedures involved quite a lot of translation from English and French into Latin and back, it is not surprising that unproblematic mutual translatability was the main concern of the officials involved in the whole process and one of the main conditions, in which the smooth running of everyday business was possible.

2.3. Discourse communities and diffusion of chancery norms

The uniqueness of legal documents in the Anglo-Saxon and later periods lies in their relatively straightforward localisability and wide reach. For example, if all the writs issued between c.978 and c.1087 by the kings, queens, archbishops and bishops are mapped according to the location of their beneficiaries and/or of the archives that have preserved them, we arrive at a map with a remarkably wide distribution of texts (Figure 1⁴⁷), pointing also to how far chancery discourse norms must have diffused. In fact no other contemporary genre or text-type, except for the closely related *charters*

⁴⁶ O'Brien (Note 1) 65–71.

⁴⁷ Generated by the mapping site CARTO. <https://carto.com/>.

(including leases and wills), can even remotely approach this coverage, which, with documents once extant but now lost, must have been even wider.⁴⁸ This exceptional situation invites the use of methodologies that are seldom applied to historical data, precisely because these data are typically limited in terms of chronological, geographical and social variables.⁴⁹ I have recently shown that discourse communities and social networks approaches can provide a meaningful framework for the analysis of Anglo-Saxon writs and the spread and circulation of writ discourse norms.⁵⁰ This sociolinguistic framework is particularly useful in the context of the Anglo-Saxon royal chancery argument supported by Sharpe,⁵¹ Brooks⁵² and Keynes⁵³. In two recent studies,⁵⁴ I reconstruct the royal chancery (defined broadly as a community of scribes associated with the royal household and employed to perform a definitive scope of bureaucratic tasks, rather than a stable office known from later periods), writ beneficiaries and social leaders participating in shire and hundred courts as

⁴⁸ Cf. maps in David Hill. *An Atlas of Anglo-Saxon England*. Oxford 1981, 22–23.

⁴⁹ But see Ursula Lenker. The monasteries of the Benedictine Reform and the ‹Winchester School›: Model cases of social networks in Anglo-Saxon England? In: *European Journal of English Studies* 4(3) (2000) 225–238; Juan Camilo Conde-Silvestre and M^a Dolores Pérez-Raja. Multilingualism, Social Network Theory, and Linguistic Change in the Transition from Old to Middle English, in: *Conceptualizing Multilingualism in Medieval England, c.800–c.1250*, ed. Elizabeth M. Tyler, Turnhout 2011, 239–254.

⁵⁰ Olga Timofeeva. AELFRED MEC HEHT GEWYRCAN: Sociolinguistic Concepts in the Study of Alfredian English, in: *English Language and Linguistics* (fc 2017); Timofeeva (Note 8).

⁵¹ See Note 9.

⁵² Nicholas Brooks. Why is the Anglo-Saxon Chronicle about Kings? In: *Anglo-Saxon England* 39 (2010) 43–70.

⁵³ See Note 12.

⁵⁴ Timofeeva (Note 50).

constituting a specialised discourse community. The members of this community share basic assumptions about what constitutes such genres as diplomas, letters, writs, and other notices read out in front of the courts and control the linguistic norms associated with these genres. The royal clerks hold a more central position and have more control over the linguistic practices, but their audience, even when illiterate, shares much of their genre competence. When these monastic and lay leaders have to produce a writ of their own or to formulate an official message they are likely to write, dictate or commission a text that would include chancery norms and clichés.



Figure 1. Distribution of writs between c.978 and c.1087

This discourse community is localised and dispersed at the same time, ideally placed both to enforce norms and to introduce change. The change comes in c.1070 in

the form of a different language of record. Although Latin writs would probably be translated aloud into English and French for the benefit of the members of shire courts,⁵⁵ this change would become a challenge to their genre competence. Coinciding with the general drift towards greater reliance on written documentation instead of traditional oral testimony,⁵⁶ it would reshape the discourse community by making the royal clerks, officials and monastic scribes even more specialised and their close-knit ties even stronger, and by marginalising those peripheral actors who no longer have a direct access to chancery genres.⁵⁷

At around the same time the chancery network begins to incorporate new actors with French as their first language, the demand for whom at the central and, especially, local-court and local-chancery level must have been increasing, as the portion of Norman landownership was ever growing. The number of these new members probably peaked in 1086 when royal officials were collecting and processing information for the Domesday inquest, and shire courts were hearing and witnessing the landholding records of the survey.⁵⁸ But as the prominence of written record and the output of royal and magnate chanceries increased every decade, so must the number of copyists and clerks have continued to grow.⁵⁹ French as a second

⁵⁵ Sharpe (Note 9) 252–253.

⁵⁶ Clanchy (Note 1).

⁵⁷ Timofeeva (Note 8).

⁵⁸ Baxter (Note 20); Bruce R. O'Brien. *Reversing Babel: Translation among the English during an Age of Conquests*, c.800 to c.1200. Newark 2011, 69–71.

⁵⁹ Clanchy (Note 1) 46–82.

and third language was also gaining ground,⁶⁰ and bilingual and trilingual clerks were becoming common.

Even though these social changes had immense linguistic consequences at both lexical and structural levels, the royal-chancery community, like all close-knit networks, being a very conservative one,⁶¹ preserved its linguistic practices essentially unchanged. «At first, after 1066, the king's writers readily slotted William into the Anglo-Saxon system».⁶² English writs produced in his name between 1066 and c.1070 used exactly the same templates, terms, and formulae as the writs of Edward the Confessor, Cnut, and even Harold Godwineson.⁶³ After English had been abandoned, these templates and formulae were recast in Latin retaining much of their structure and sequence: *gret freondlice* > *salutem* <greetings>; *ic cyðe eow þæt ic hæbbe geunnen* > *sciatis me concessisse* <I inform you that I have granted>; *binnan burgan & butan* > *infra burgum et extra* <within borough and without>; *God eow gehealde* > *Deus vos conservet* <God keep you>, etc.⁶⁴ Paradoxically, the seemingly great sociolinguistic changes – the arrival of foreign scribes and the shift into Latin – did not result in major genre changes. Once new discourse-community members had

⁶⁰ Richard Ingham. *The Transmission of Anglo-Norman: Language History and Language Acquisition*, Amsterdam/New York 2012.

⁶¹ Lesley Milroy. *Language and Social Networks*, 2nd edition, Oxford 1987; James Milroy and Lesley Milroy. *Speaker Innovation and Linguistic Change*, in: *Linguistic Variation and Change: On the Historical Sociolinguistics of English*, ed. James Milroy, Oxford 1992, 176–191; Lesley Milroy and Carmen Llamas. *Social Networks*, in: *The Handbook of Language Variation and Change*, 2nd edition, ed. Jack K. Chmabers and Natalie Schilling, Oxford 2013, 409–427.

⁶² Clanchy (Note 1) 35.

⁶³ Timofeeva (Note 50).

⁶⁴ Timofeeva (Note 8).

been accepted and genre competence redefined, the genres themselves were left alone to evolve according to the needs of the various actors of the community.

Against this background the introduction of English technical vocabulary into chancery Latin can be seen as both change and resilience to change. As far as the genre code is concerned, Anglo-Latin changed to accommodate Anglo-Saxon legal, social and economic concepts, but the writ genre did not change lexically because the same terminology had been used in Old English writs with largely the same meanings. The definitive role of the discourse community in these processes lay in identifying untranslatable terms, in coding them either as regular Latin lexemes or as indeclinable legalese lexemes and in internalising these decisions as new discourse norms of the community. Direct borrowing was preferable in these circumstances as it allowed to reduce the processing load on those members who were involved in the various multilingual practices of the community. These practices must have become well established by the time the task of hearing the results of the Domesday inquest fell on shire courts, whose effective running of this business now partly depended on mutual translatability of all written sources and oral testimonies that were coming in. Indeed DMLBS data show that many of the terms used in William's acta later on find their way into Domesday Book, but a detailed follow-up study would help to determine the extent to which the great project of 1086 depended on the linguistic norms developed within the chancery community during the two decades that had preceded it.

3. Conclusions

This study has shown that contact-induced effects in the legal sphere following the Norman Conquest and the shift of the royal chancery into Latin were immediate.

Legal Latin and, presumably, French were flooded with English terminology denoting

penalties and crimes, rights and privileges, metrical and administrative units, titles and social positions. At the same time traditional Old English genres such as writs and notices were recast in written Latin and spoken French, replicating not only the structure of Old English formulae and templates but also the lexical matter of their franchise clauses. The swiftness of these changes was greatly facilitated by the existence of a developed network of centralised and local scribal and administrative communities which participated in the production, circulation, consumption and preservation of writs and other publicly important genres. In spite of the challenges that this community had to face – code shift and influx of new members – it managed to renegotiate and redefine its discourse norms by allowing for mutual translatability between the three codes (Latin, English and French) involved in legal procedures and administrative issues at the various levels of society. These internalised multilingual practices enabled it later on to approach the tasks of the Domesday inquest with an arsenal of ready terms and translation solutions, contributing to the success of this big enterprise.

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